

REMARKS

Claims 22-128 and 130-150 are pending in the Application and all stand rejected in the Office action mailed October 21, 2008. No claims are amended by this response. Claims 22, 45, 61, 74, 87, 100, 114, 123, 134, and 142 are independent claims from which claims 23-44, 46-60, 62-73, 75-86, 88-99, 101-113, 115-122, 124-128 and 130-133, 135-141, and 143-150 depend, respectively.

Applicants respectfully submit that the claim number "129" was inadvertently skipped during the drafting of the Amendment filed August 23, 2006. Applicants have updated the listing of claims to show the status of missing claim 129 as "Cancelled".

Applicants respectfully request reconsideration of pending claims 22-128 and 130-150, in light of the remarks set forth below.

Rejection of Claims

Claims 22-150 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,961,312. Claims 22-150 were also rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 22-89 of co-pending Application No. 10/801,472.

As an initial matter, Applicants respectfully point out that the rejection of claims 22-150 over claim 22-89 of Application No. 10/801,472 should be shown as a provisional double-patenting rejection, in that the cited application has not yet issued as a patent.

Applicants do not agree with the Examiner's rejection, but nevertheless are submitting a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c), disclaiming the terminal part of any patent that issues from this application that extends beyond the expiration date of commonly owned U.S. Patent No. 6,961,312, and the terminal part of any patent that issues from this application that extends beyond the expiration date of any patent that issues from commonly owned U.S. Patent Application No. 10/801,472,

to obviate the double patenting rejection. Applicants respectfully submit that the obviousness-type double patenting rejection is overcome.

Conclusion

In general, the Office Action makes various statements regarding the claims of the Application and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of pending claims 22-128 and 130-150 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

The Commissioner is hereby authorized to charge any fees required by this submission to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Dated: January 26, 2009

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